

*Desire to Bargain and Negotiation Success: Lessons About the Need to Negotiate from Six Hydropower Disputes*

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In this paper, Burkardt et al. investigated whether the desire to bargain (need to negotiate) is necessary for negotiation success. They found that the need to negotiate is necessary, but not a sufficient condition for success (Table 3). In their investigation, Burkardt et al. also found that respondents' need to negotiate varied in intensity throughout the consultation; the need to negotiate intensified when decision-making was ripe: i.e., critical issues were being decided or deadlines required decisions.

*Table 3. Relation between need to negotiate and a successful negotiation*

<b>Project Name</b>	<b>Need to negotiate?</b>	<b>Level of success</b>
Koma Kulshan	YES	Full
Eastman Falls	YES	Full
Oswegatchie	NO	Minimal
Cataract	YES	Minimal
Pit 3,4,5	YES	Minimal
Ashton-St. Anthony	NO	Minimal

Burkardt et al. identified several factors that were associated with the need to negotiate:

*Influence of BATNA (best alternative to a negotiated agreement)*

When parties felt that the FERC was likely to side with them if controversies arose over license conditions, the need to negotiate diminished. Conversely, if FERC's support was uncertain or absent, parties felt a heightened need to negotiate.

*Salient Issues*

Rather than face uncertainty, respondents reported a need to negotiate salient issues in order to minimize risk. Although it seems obvious that one feels the need to negotiate when critical issues are under consideration, respondents indicated that it was not always obvious what the critical issues were.

*Respondents' Sense of Efficacy*

Many respondents reported that they pursued negotiation because they believed that their actions would make a difference in the final outcome. Efficacy was strongly related to perceived power in the cases studied. Those without resources tended to feel less efficacious and less driven to negotiate.

*Inevitability*

A belief that issuance of a project license was inevitable often diminished respondents' need to negotiate. In one case, the sense of inevitability did not dampen respondents' need to negotiate because an atmosphere of cooperation had been established among the parties; all parties felt that they had something to gain by negotiating.

*Exogenous Factors*

In several of the negotiations studied, circumstances beyond the scope of the negotiation intervened to alter the parties' need to negotiate. A sudden wellspring of public support increased

the resource agencies' need to negotiate in one case while exogenous factors of two other cases led to mistrust and uncertainty and a diminished willingness to negotiate.

#### *Professional Roles Encouraging Negotiation*

Different individuals involved in different negotiations but with similar technical backgrounds, often told stories of their inability to negotiate based on their belief that there was no room for negotiation, because the question was a scientific one, amenable to analysis.

#### *Disputes About Facts vs. Disputes About Values*

From this study of interagency negotiations, it seems clear that it is easier to negotiate about facts than to negotiate about values. Parties were usually able to come to agreement about the physical effects of the project, but could not agree on the objective of the consultation process nor the ideal, project-operating scenario.

#### *Conclusion*

In each successful negotiation, the need to negotiate was intensified by a hurting stalemate in which all parties experienced heightened risk and uncertainty. The need to negotiate was associated with successful negotiations, but the need to negotiate was a complex variable. Throughout the course of a negotiation, parties needed to consider the interlocking effects of BATNA and the need to negotiate, not only for themselves, but for all other parties as well.